IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.955 OF 2000
IN
SUIT NO. 865 OF 2000

Associates Dyestuffs Corpn. .. Plaintiffs

Vs.

Official Liquidator,
High Court, Gujarat of
Adarsh Processors (P) Ltd. .. Defendants

Mr.A.M.Vernekar for the plaintiffs

Mr.Sayyed for Liquidator

CORAM: S.U.KAMDAR, J

DATE: 3RD OCTOBER, 2005

P.C.:

1. The present suit is filed for goods sold and delivered. The claim in the present suit is for sum of Rs.8,93,647/-. The defendant company is under Liquidation. Liquidator has appeared before me and he contends that the plaintiffs should give credit for Rs.1,29,480/- towards goods returned by defendant company before liquidation to the plaintiffs herein. Having admitted the aforesaid claim of the liquidator the learned counsel states that he will give the credit for the said amount of

Rs.1,29,480/-. In that view of the matter, there is no substantial defence in respect of the balance claim in the present suit. The second defence is that properties are mortgaged. Plaintiffs being unsecured creditor stands in the queue of unsecured creditors. Plaintiffs have tendered documents at Ex.P-1. The same are taken on record. In view of the aforesaid, there shall be decree in favour of the plaintiffs and against the defendants for the sum of Rs.4,69,224/-with interest @ 18% as per the contractual rate of interest till payment and / or realisation. Plaintiffs will be at liberty to lodge the claim as unsecured creditor with the Liquidator. Suit as well as summons for judgment are disposed of accordingly. Refund of court fee as per rules.